

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NACHUM ZAGER
on behalf of Himself and All Other Similarly
Situated,

Plaintiffs, : Case No. 09 CIV. 7019
vs. : **RULE 7.1 STATEMENT**
CAPITAL ONE BANK USA, NA
Mr. Richard D. Fairbanks, Chief Executive
Officer
Defendants.

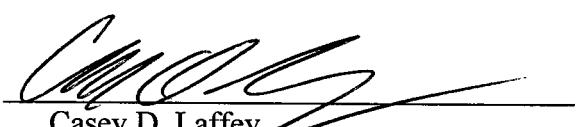
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Pursuant to Federal Rule of Civil Procedure 7.1, the undersigned counsel for Defendants Capital One Bank USA, N.A., certifies that Capital One Bank USA, N.A. is a wholly-owned subsidiary of Capital One Financial Corporation, which is a publicly-held company. Capital One Financial Corporation does not have a parent company and no publicly-held company owns more than 5% of Capital One Financial Corporation.

Dated: New York, New York
January 7, 2010

REED SMITH, LLP

By:


Casey D. Laffey

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*Attorneys for Capital One Bank USA,
N.A. and Mr. Richard D. Fairbanks*